

PRLS CLAIM PROCEDURE

RE 258 (Rev. 8/03)

PROCEDURES FOR FILING CLAIMS

If you believe that a Prepaid Rental Listing Service (PRLS) licensee has failed to comply with the "Right to Refund" provisions in your rental listing contract (Section 10167.10 Business and Professions Code), you may file a claim on the licensee's bond/cash deposit (§10167.7 B&P Code) after following these procedures:

- You must determine if the agent in question has a PRLS license or a real estate broker license. If you are unable to determine the licensing information from the contract or the agent, you may determine status by contacting your local DRE office for License Record Information:

Fresno	(559) 445-6153
Los Angeles	(213) 620-2072
Sacramento	(916) 227-0931
San Diego	(619) 525-4356
Oakland	(510) 622-2552

If the company has a real estate broker license, or is not licensed as a PRLS agent, the procedures in this form do not apply, but you should ask our office for a Licensee/Subdivider Complaint (RE 519) form. This form will explain procedures for filing complaints against real estate brokers and agents operating as brokers.

- You must obtain a court judgment (Small Claims Court is acceptable) ordering the licensee to refund rental fees paid. If the refund had been previously denied by the licensee, and if the denial or delay in making the refund is found to have been done in bad faith, the court may award additional damages not to exceed \$1,000.
- You must make a reasonable attempt to collect or enforce your court judgment. Guidelines for collecting your judgment (especially Small Claims Court judgments) will usually be provided by the Court.

- The attached PRLS Bond/Cash Deposit Claim (RE 259) must be completed and returned with photocopies of the rental contract and related correspondence, front and reverse sides of cancelled checks, receipts, as well as *certified copies* of the court complaint and judgment.

- Please mail your completed claim form to the following address:

Department of Real Estate
PRLS Claim Review Desk
PO Box 187000
Sacramento, CA 95818-7000

Upon receipt of your RE 259, the Department will review the form to determine that it is complete and acceptable. If it is not, you will be notified in writing and given an opportunity to provide any additional information required.

The Department must then determine if the licensee in question maintains either a cash deposit with us or has posted a corporate surety bond with a bonding company. If the Department holds a cash deposit, we will make arrangements for payment of the claim amount directly to you. If the licensee is bonded, we will forward your claim to the bonding company requesting them to pay the claim and asking them to advise the Department of any action they take.

You will receive a copy of the Department's letter to the bonding company as evidence the Department has referred your claim for payment. The Department has no statutory authority over bonding companies and cannot force them to pay your claim. However, if the PRLS licensee has failed to maintain the required bond or cash deposit, their license rights can be disciplined.

DEPARTMENT OF REAL ESTATE ENFORCEMENT OFFICES

1515 Clay Street, Ste. 702
Oakland, CA 94612-1462
(510) 622-2552

320 W. 4th Street, Ste. 350
Los Angeles, CA 90013-1105
(213) 620-2072

2550 Mariposa Mall, Ste. 3070
Fresno, CA 93721-2273
(559) 445-5879

P.O. Box 187000
Sacramento, CA 95818-7000
(916) 227-0864

1350 Front Street, Ste. 3064
San Diego, CA 92101-3687
(619) 525-4192